

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Tuesday, September 23, 2014
MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Philip McNeely, Phoenix, Chairman	Steve Trussell, Arizona Rock Products Association
William Mattingly, Peoria, Vice Chair	* Claudia Whitehead, Greater Phoenix Chamber of Commerce
Paul Lopez for Drew Bryck, Avondale	# Amanda McGennis, Associated General Contractors
John Minear, Buckeye	* Spencer Kamps, Homebuilders Association of Central Arizona
# Jon Sherrill for Jim Weiss, Chandler	* Mannie Carpenter, Valley Forward
* Jamie McCullough, El Mirage	# Kai Umeda, University of Arizona Cooperative Extension
* Jessica Koberna, Gilbert	Joonwon Joo for Beverly Chenausky, Arizona Department of Transportation
Megan Sheldon, Glendale	Diane Arnst, Arizona Department of Environmental Quality
* Cato Esquivel, Goodyear	* Environmental Protection Agency
# Rudolfo Lopez for Kazi Haque, Maricopa	Corky Martinkovic, Maricopa County Air Quality Department
# Greg Edwards for Scott Bouchie, Mesa	Scott DiBiase, Pinal County
Sam Brown for Tim Conner, Scottsdale	* Michelle Wilson, Arizona Department of Weights and Measures
# Antonio DeLaCruz, Surprise	Ed Stillings, Federal Highway Administration
# Oddvar Tveit, Tempe	* Judi Nelson, Arizona State University
* Youngtown	Stan Belone, Salt River Pima-Maricopa Indian Community
* Ramona Simpson, Queen Creek	
* Walter Bouchard, American Lung Association of Arizona	
Barbara Cenalmor for Kristin Watt, Salt River Project	
# Rebecca Hudson, Southwest Gas Corporation	
* Ann Carlton, Arizona Public Service Company	
# Gina Grey, Western States Petroleum Association	
* Robert Forrest, Valley Metro/RPTA	
* Dave Berry, Arizona Motor Transport Association	
Jeannette Fish, Maricopa County Farm Bureau	

*Members neither present nor represented by proxy.

#Participated via telephone conference call.

+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments	Shane Kiesow, City of Apache Junction
Matt Poppen, Maricopa Association of Governments	Joe Gibbs, City of Phoenix
Julie Hoffman, Maricopa Association of Governments	Susan Avans, City of Buckeye
Kara Johnson, Maricopa Association of Governments	Miguel Aceves, Civil & Environmental Consultants, Inc.
Randy Sedlacek, Maricopa Association of Governments	Mark Suehl, Civil & Environmental Consultants, Inc.
Cathy Arthur, Maricopa Association of Governments	Rusty Van Leuven, Arizona Department of Agriculture
Taejoo Shin, Maricopa Association of Governments	
Patrick Shaw, Maricopa Association of Governments	
Dean Giles, Maricopa Association of Governments	

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on September 23, 2014. Philip McNeely, City of Phoenix, Chair, called the meeting to order at approximately 1:30 p.m. Greg Edwards, City of Mesa; Jon Sherrill, City of Chandler; Gina Grey, Western States Petroleum Association; Amanda McGennis, Associated General Contractors; Rebecca Hudson, Southwest Gas Corporation; Oddvar Tveit, City of Tempe; Kai Umeda, University of Arizona Cooperative Extension; Antonio DeLaCruz, City of Surprise; and Rudolfo Lopez, City of Maricopa, attended the meeting via telephone conference call.

Chair McNeely indicated that copies of the handouts for the meeting are available. He noted for members attending through audio conference, the presentations for the meeting will be posted on the MAG website under Resources for the Committee agenda, whenever possible. If it is not possible to post them before the meeting, they will be posted after the meeting.

Chair McNeely stated that this would be his last meeting as Chair. He indicated that he will be leaving the City of Phoenix to become the new Air Quality Director for Maricopa County. William Mattingly, City of Peoria, congratulated Chair McNeely. Lindy Bauer, Maricopa Association of Governments, thanked Chair McNeely for serving as Chair of the AQTAC. She stated that MAG will be working closely with Chair McNeely at Maricopa County, along with the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Transportation (ADOT).

2. Call to the Audience

Chair McNeely stated that according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items that fall under the jurisdiction of MAG and nonaction agenda items. Chair McNeely noted that no public comment cards had been received.

3. Approval of the June 26, 2014 Meeting Minutes

The Committee reviewed the minutes from the June 26, 2014 meeting. John Minear, City of Buckeye, moved and Mr. Mattingly, seconded and the motion to approve the June 26, 2014 meeting minutes, carried unanimously.

4. Arizona Center for Law in the Public Interest Petition for Review of the EPA Approval of the MAG 2012 Five Percent Plan for PM-10

Ms. Bauer provided an overview on the Arizona Center for Law in the Public Interest Petition for Review of the Environmental Protection Agency (EPA) Approval of the MAG Five Percent Plan for PM-10. She indicated that on August 20, 2014, EPA notified MAG that the Arizona Center for Law in the Public Interest (ACLPI) filed a petition for review of the EPA approval of the MAG 2012 Five Percent Plan for PM-10 in the U.S. Ninth Circuit Court of Appeals. Ms. Bauer noted that the information on the lawsuit was transmitted to the Committee on August 21, 2014 and was also included in the agenda packet for today's meeting. She stated that according to the mediation questionnaire, ACLPI indicated that the most significant issue is the reliance upon the EPA Exceptional

Events Rule to demonstrate attainment of the standard. The Center for Law in the Public Interest contends that the EPA concurrence in excluding the exceptional event exceedances in 2011 and 2012 is an abuse of discretion. Ms. Bauer indicated that the ACLPI opening brief is due on October 17, 2014 and the respondent's answering brief is due on November 17, 2014.

Ms. Bauer stated that on August 28, 2014, ADEQ filed a motion to intervene in the lawsuit on behalf of the respondent, EPA. Ms. Bauer noted that on September 24, 2014, MAG Regional Council may also provide authorization for MAG to intervene in the lawsuit. She added that MAG has special Washington legal counsel, which it has not had in the past. Washington legal counsel would then file a motion for MAG to intervene in the lawsuit. Ms. Bauer indicated that MAG has spent considerable resources on the Air Quality Plans, as the Regional Air Quality Planning Agency, as well as, provided assistance to ADEQ on exceptional events. She noted that the MAG member agencies and ADEQ are implementing measures that have been developed through the planning process. Additionally, the MAG transportation plans have at times been at risk due to the threat of sanctions. Ms. Bauer mentioned that MAG has considerable items at stake. Therefore, MAG staff will be requesting authorization to file a motion. She stated that if a motion is filed, that the motion would be filed late. She noted that once a petition is filed, thirty days are allotted for motions to intervene.

Chair McNeely inquired about the benefits of filing a motion to intervene. Ms. Bauer responded that those who intervene have a seat at the table. She mentioned that ADEQ intervened to have a seat at the table. If we do not intervene, only the briefs that are filed are available to review. Additional advantages of MAG intervening in the lawsuit include first hand information on the thinking of EPA as they respond to ACLPI. Ms. Bauer stated that the ACLPI lawsuit is filed against EPA for approval of the MAG 2012 Five Percent Plan for PM-10. She stated that MAG will also have an opportunity to submit helpful information as the Regional Air Quality Planning Agency. Ms. Bauer reported that if MAG is allowed by the Court to intervene, MAG will be in step with ADEQ through the lawsuit proceedings.

Diane Arnst, Arizona Department of Environmental Quality, stated that if the motion to intervene was not filed, ADEQ would not be able to provide input on the negotiations of a schedule that EPA may set with the litigant, if a new plan is required. She stated that ADEQ has many responsibilities and providing input on a potential schedule is important.

5. EPA Approval of the MAG 2009 Eight-Hour Ozone Redesignation Request and Maintenance Plan

Ms. Bauer presented that on August 20, 2014, the Environmental Protection Agency issued final approval of the MAG 2009 Eight-Hour Ozone Redesignation Request and Maintenance Plan. EPA has redesignated the region to attainment status for the 1997 eight-hour ozone standard of 0.08 parts per million (ppm). There have been no violations of the standard since 2004. Ms. Bauer noted that the final approval was published in the Federal Register on September 17, 2014 and becomes effective October 17, 2014. Ms. Bauer stated that this is good news for the region.

6. Update on the Ozone Monitoring Data

Julie Hoffman, Maricopa Association of Governments, provided an update on the ozone monitoring data. She stated that the Maricopa eight-hour ozone nonattainment area is classified as a Marginal Area for the 2008 ozone standard of 0.075 ppm. The attainment date for Marginal Areas is December 31, 2015. Ms. Hoffman reported that the standard is calculated by a three year average of the fourth high.

She noted that the values from 2013, 2014, and 2015 will be used to determine attainment of the standard for the December 2015 attainment date. Ms. Hoffman stated that MAG closely tracks the monitoring data and is providing an update to the Committee on the 2014 ozone season. A list of ozone exceedances for the 2014 ozone season have been provided at each place.

Ms. Hoffman displayed a chart on the number of monitors violating the eight-hour ozone standards. She noted that for the 2008 ozone standard of 0.075 ppm, there are four violating monitors in 2014, based on preliminary ozone data. This is down from the 10 violating monitors in 2013. Ms. Hoffman added that there have been no violating monitors of the 1997 eight-hour ozone standard of 0.08 ppm since 2004.

Ms. Hoffman presented the highest three year average of the fourth highest eight-hour ozone concentration in the Maricopa nonattainment area. She reported that in 2014, the highest three year average of the fourth high is 0.08 ppm which is down slightly from 0.081 ppm in 2013.

Ms. Hoffman displayed the fourth highest eight-hour ozone concentration at the monitors for years 2012-2014, as well as the three year average of the fourth high. The four violating monitors for 2014 are: North Phoenix at 0.08 ppm, Phoenix Supersite at 0.077 ppm, Pinnacle Peak at 0.078 ppm, and West Phoenix at 0.078 ppm. Ms. Hoffman noted that there can be no violating monitors in 2015 in order to meet the December 31, 2015 attainment date. However, if the region is close to attaining the standard, Ms. Hoffman indicated that an extension of the attainment date may be an option. On June 6, 2013, EPA published a proposed rule on the Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements. According to the proposed rule, an area is eligible for a one year extension of the attainment date if, for the attainment year, the area's fourth highest daily eight-hour average is at or below 0.075 ppm. Additionally, an area is eligible for a second one year extension if the area's fourth highest daily eight-hour value, averaged over both the original attainment year and the first extension year, is at or below 0.075 ppm. Ms. Hoffman noted that this may be an option for the region.

Ms. Hoffman discussed the 2015 eight-hour ozone monitoring data needed to meet the standard by the December 31, 2015 attainment date. She stated that there are a few monitors that may be a challenge, specifically the Mesa, North Phoenix, Phoenix Supersite, and Pinnacle Peak monitors. Ms. Hoffman noted that the 2015 fourth highest value needed to meet the standard at these monitors would need to be at 0.070 ppm or 0.071 ppm. She indicated that this fourth high is low compared to the fourth high experienced in previous years at these monitors. However, the numbers have been coming down and MAG will continue to track the ozone monitoring data.

Mr. Mattingly asked about the attainment date extension option. Ms. Hoffman responded that the attainment date extension was mentioned as a option if the standard is not met by December 31, 2015. She indicated that the region may request an extension of the attainment date if the area's fourth highest daily eight-hour average is at or below 0.075 ppm.

Steve Trussell, Arizona Rock Products Association, inquired about the ozone increases during years 2011 and 2012. Ms. Bauer replied that ozone concentrations were high in 2011 and 2012 across the country. She stated that prior to those years, ozone concentrations were decreasing in the region and that there was only one violating monitor. Ms. Bauer indicated that MAG staff have been conducting

an in-house modeling study and it appears meteorology was the primary factor for the ozone increases in 2011-2012.

7. Update on the EPA Review of the Eight-Hour Ozone Standard

Matthew Poppen, Maricopa Association of Governments, presented an update on the EPA review of the National Ambient Air Quality Standards (NAAQS) for ozone. He indicated that in August 2014, EPA made available the final Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards. The final Policy Assessment is prepared by EPA staff and presents staff conclusions regarding the adequacy of the current standards and potential alternative standards appropriate for consideration.

Mr. Poppen discussed the final EPA staff conclusions. With regard to the primary ozone standard, EPA staff reached the overall conclusion that the available health evidence and exposure/risk information call into question the adequacy of the public health protection provided by the current standard of 0.075 ppm. Mr. Poppen stated that EPA staff concluded that it is appropriate in the review to consider a revised primary ozone standard level within the range of 70 to 60 parts per billion or 0.070 to 0.060 ppm. With regard to the secondary ozone standard, EPA staff reached the overall conclusion that the available vegetation and ecosystem effects evidence and exposure/risk information call into question the adequacy of the public welfare protection provided by the current standard of 0.075 ppm. Mr. Poppen indicated that EPA staff concluded that it is appropriate to consider a revised secondary standard in terms of the cumulative, seasonal, concentration-weighted form, called the W126 index, within a range of levels from 17 to 7 parts per million-hours.

Mr. Poppen reviewed a potential 2015 ozone NAAQS schedule. Under a court-ordered date, EPA would have a proposed rule by December 1, 2014. The court-ordered date for the final rule is October 1, 2015. States would then submit designation recommendations to EPA by October 2016 that would likely utilize ozone data from years 2013-2015. After the submittal of State designation recommendations, EPA would finalize designations, classifications, attainment dates, and nonattainment area State Implementation Plan rules and guidance documents by October 2017. Mr. Poppen noted that States would then submit attainment plans by December 2020-2021. He indicated that the nonattainment area attainment dates would be as soon as December 2020 for Marginal Areas or as late as December 2037 for Extreme Nonattainment Areas.

Ms. Bauer reported on proposed Senate Bill (S.B.) 2514, the Ozone Regulatory Delay and Extension of Assessment Length (ORDEAL) Act. She stated that the bill was introduced by United States Senator Jeff Flake on January 24, 2014. The ORDEAL Act would amend the Clean Air Act so that the review of the National Ambient Air Quality Standards would occur every 10 years rather than every five years. She noted that for ozone, this would delay the review. The review could occur no earlier than February 1, 2018 and no later than December 31, 2018. Ozone would then be reviewed in 10 year intervals thereafter. Ms. Bauer noted that there is a companion bill, H.R. 4947, in the House of Representatives that was sponsored by Representative Matt Salmon. She stated that the bill has been introduced, however it has not moved.

Chair McNeely inquired if the delayed ozone review would include the current ozone review of 0.07 and 0.06 ppm. Ms. Bauer responded that if S.B. 2514 passed, it is her understanding that the ozone

review would not occur until February 1, 2018 through December 31, 2018. She noted that reviews of the ozone standard would then occur at 10 year intervals.

Ms. Arnst asked if Tier III tailpipe standards were assessed in the MAG ozone study. Ms. Bauer replied that the MAG staff has been running MOVES 2014 in which the Tier III tailpipe standards and benefits are built into 2014.

8. Call for Future Agenda Items

Chair McNeely requested suggestions for future agenda items. He indicated that the next meeting of the Committee has been scheduled for Thursday, October 23, 2014 at 1:30 p.m.

Ms. Arnst requested the 2014 Maricopa County No-Burn Campaign for a future agenda item. With no further comments, the meeting was adjourned at approximately 2:00 p.m.